

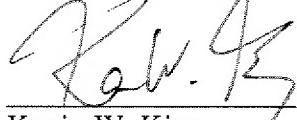
Remarks

The present RCE submission includes the attached Declaration under 37 CFR § 1.132. Claims 26-34, 36-39, 43, 56, 59, and 61-66 are rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent 6,123,861 to Santini et al. (hereinafter “the ‘861 Patent”) in view of U.S. Patent 6,908,770 to McDevitt et al. in further view of U.S. Patent 6,289,237 to Mickle et al. The rejection is traversed for the reasons of record coupled with the evidence submitted in the attached Rule 132 Declaration by John T. Santini Jr., Ph.D.

The Declaration by Dr. Santini provides irrefutable evidence that the rejections are based on inaccurate readings of the ‘861 Patent. The rejections are not supported in fact, evidently based on improper hindsight reconstruction, and must be withdrawn. Dr. Santini states that the ‘861 Patent clearly does not teach or suggest the element of Applicants’ claim ascribed by the Examiner. In particular, Dr. Santini explains that his patent does not teach placement of a biosensor inside one of the reservoirs, contrary to the Examiner’s misreading of the ‘861 Patent. Accordingly, no proper *prima facie* case of obviousness has been established, and the rejection must be withdrawn.

Allowance of claims 26-34, 36-39, 43, 56, 59, and 61-66 is therefore earnestly solicited.

Respectfully submitted,



Kevin W. King
Reg. No. 42,737

Date: November 20, 2006
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street NE
Atlanta, Georgia 30309-3996
(404) 853-8068
(404) 853-8806 (fax)